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Dated: April 22, 2008 Signature: /David A. Gass #38,153/
(David A. Gass)

Docket No.: 30986/41551
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Preben Lexow et al.

Application No.: 10/553,113

Confirmation No.: 1894

Filed: April 16, 2004 (as PCT/GB2004/001673)

Art Unit: Not Yet Assigned

For: Method for Characterizing Polynucleotides

Examiner: Not Yet Assigned

PETITION UNDER 37 C.F.R. §1.47(a) and 35 U.S.C. §116

MS Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant Preben Lexow, who has executed the inventors' declaration, petitions pursuant to 37 C.F.R. §1.47(a) and 35 U.S.C. §116, second paragraph, to have the above-referenced application accepted on his behalf and on behalf of co-inventor Erlend Ragnhildtsveit, who refuses to sign the oath/declaration in the above-referenced application.

Accompanying this petition as Exhibit A is a statement of facts by Preben Lexow, to whom the refusal to execute the oath/declaration was made by Erlend Ragnhildtsveit.

Documentary evidence of inventor Erlend Ragnhildtsveit's refusal to have any further dealings with LingVitae (his former employer and a company with an interest in the application) or the application and evidence that the application papers were presented to Erlend Ragnhildtsveit is attached to the statement of facts as Exhibits B, C, and D.

The last known address of inventor Erlend Ragnhildtsveit is:

Jonsokveien 5
1182 Oslo
Norway

Accompanying this petition is a fee pursuant to 37 C.F.R. §1.17(g).

In view of the fact that Erlend Ragnhildstveit refuses to sign the declaration for the above-referenced application, the joint inventor Preben Lexow petitions to be allowed to make this application on behalf of himself and the non-signing inventor. Exhibit E is a copy of the declaration and power of attorney document that was executed by Preben Lexow on October 10, 2005 but that has been awaiting execution by Erlend Ragnhildstveit.

Applicant notes that Preben Lexow and Erlend Ragnhildstveit are also co-inventors on U.S. Patent Application 10/553,505 (U.S. Natl. stage of PCT/GB2004/001665), hereafter the ‘505 application. Erlend Ragnhildstveit also refused to sign the oath/declaration for the ‘505 application and the facts in two cases are identical. The Commissioner previously considered and granted a Petition under 37 C.F.R. §1.47(a) in the ‘505 case and a copy of the Decision is attached as Exhibit F.

Dated: April 22, 2008

Respectfully submitted,

By /David A. Gass #38,153/
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